

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DANIEL HORACEK,

Plaintiff,

Case No. 04-73929

v.

HONORABLE DENISE PAGE HOOD

**JILL EBERLY, LYNNE ADAMS,
WILLIAM STIVERSON and
SAL AHMED,**

Defendants.

ORDER ACCEPTING REPORT AND RECOMMENDATION

This matter is before the Court on Magistrate Judge Paul J. Komives' Report and Recommendation dated August 30, 2006. Plaintiff has not filed any objections to the Magistrate Judge's Report and Recommendation.

Magistrate Judge Komives recommended that the Court grant Defendants' motion to tax costs against Plaintiff and in favor of Defendants in the amount of \$57.50 . Additionally, the Magistrate Judge noted that if Plaintiff is unable to pay the costs in full, this Court may set forth a payment schedule pursuant to 28 U.S.C. §1915(b)(2) and (f)(2)(B). After careful review and consideration, the Court finds that the Magistrate Judge reached the correct conclusion for the proper reasons. The Court considers the September 28, 2005 judgment as allowing costs and accepts the Magistrate Judge's Report and Recommendation regarding costs and attorney fees.

Accordingly,

IT IS ORDERED that the Report and Recommendation of Magistrate Judge Paul J. Komives' [Docket No. 36, filed August 30, 2006] is ACCEPTED and ADOPTED as this Court's

findings and conclusions of law.

IT IS FURTHER ORDERED that if Plaintiff is unable to pay the amount of \$57.50 in full, he may pay costs to the Defendants on a payment schedule as set forth in 28 U.S.C. §1915(b)(2) and (f)(2)(B).

S/Denise Page Hood
Denise Page Hood
United States District Judge

Dated: September 29, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 29, 2006, by electronic and/or ordinary mail.

S/William F. Lewis
Case Manager